

## *Joint Standing Committee on State and Local Government*

**LD 23**

**An Act to Establish Community Giving Week**

**PUBLIC 20**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER	OTP-AM	H-24

LD 23 proposed to establish Charity Appreciation Week each year during the week that contains September 11th.

**Committee Amendment "A" (H-24)** proposed to change the title of the bill to "An Act to Establish Community Giving Week" and the name of the commemorative week to "Community Giving Week." The week of observance would change from the week containing September 11th to the 3rd full week in November.

### *Enacted law summary*

Public Law 2005, chapter 20 establishes the 3rd full week in November as Community Giving Week.

**LD 44**

**An Act To Reform County Government**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW	OTP-AM MAJ	
SAVAGE	ONTP MIN	

LD 44 is a concept draft pursuant to Joint Rule 208 that proposed to reform the laws regarding county government in the State.

**Committee Amendment "A" (H-494)** replaces the concept draft and proposed to give the county commissioners the authority to establish a fee in their county when a similar fee does not currently exist in statute. The amendment proposed to allow county commissioners to increase any county fee by up to 25% without the approval of the Legislature provided that the fee is raised no more frequently than every 5 years. Fees for recording and surcharges paid to the registers of deeds and registers of probate may be raised only if 11 or more counties vote to raise those fees to a uniform amount. This Act would be repealed January 1, 2008.

**LD 63**

**An Act To Use the Buying Power of the State To Purchase Heating Oil for Low-income and Elderly Residents**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	ONTP	
MARTIN		

LD 63 is a concept draft pursuant to Joint Rule 208 that proposed to use the buying power of the State to purchase heating oil at the best possible price for low-income and elderly residents of this State.

## *Joint Standing Committee on State and Local Government*

**LD 68**

**An Act To Eliminate Daylight Saving Time**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	ONTP	

LD 68 proposed to end the observance of Eastern Daylight Time in Maine.

**LD 73**

**An Act To Prohibit the Federal Government from Owning  
Property in the State Not Specifically Authorized in the United  
States Constitution**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	ONTP MAJ OTP-AM MIN	

LD 73 proposed to prohibit the United States from owning or acquiring land in this State unless the ownership of the land is expressly authorized by the United States Constitution. It directs the Department of Administrative and Financial Services and the Department of Conservation to recommend to the joint standing committee of the Legislature having jurisdiction over property matters a procedure for transferring to the State all land that is owned by the United States and that is not authorized by the United States Constitution. The bill proposed to repeal sections of law that authorize the United States to acquire land in the State for national forests.

**Committee Amendment "A" (H-27)**, which is the minority report, proposed to remove from the bill the section that would have set up a procedure to transfer existing federal property to the state of Maine. The amendment proposed to require that if the state congressional delegation and the Governor seek a congressional study for the formation of a national park, the study must be approved by 2/3 of all the voters in the communities included within and abutting the proposed park before the study can go ahead.

**LD 85**

**An Act To Establish Moxie as Maine's Official Soft Drink**

**PUBLIC 136**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO BERUBE	OTP-AM	S-89

LD 85 proposed to establish Moxie as the official state beverage.

**Committee Amendment "A" (S-89)** proposed to change the title of the bill and make Moxie Maine's official soft drink rather than its official beverage.

### *Enacted law summary*

Public Law 2005, chapter 136 establishes Moxie as the official soft drink of Maine.

## *Joint Standing Committee on State and Local Government*

**LD 98**

**An Act To Codify Senate Districts in Statute**

**PUBLIC 13**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON RICHARDSON J	OTP	

LD 98 proposed to codify the Maine Supreme Judicial Court's plan for the reapportionment of the State Senate districts.

### ***Enacted law summary***

Public Law 2005, chapter 13 codifies the Maine Supreme Judicial Court's plan for the reapportionment of the State Senate districts.

**LD 101**

**An Act To Amend the Membership of the InforME Board**

**PUBLIC 5  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW SCHNEIDER	OTP-AM	H-22

LD 101 proposed to amend the membership of the InforME Board to include the Chief Information Officer of the Department of Administrative and Financial Services or the Chief Information Officer's designee and reduce the number of user associations represented on the board from 3 to 2.

**Committee Amendment "A" (H-22)** proposed to amend the bill by adding an emergency preamble and an emergency clause.

### ***Enacted law summary***

Public Law 2005, chapter 5 amends the membership of the InforME Board to include the Chief Information Officer of the Department of Administrative and Financial Services or the Chief Information Officer's designee and reduces the number of user associations represented on the board from 3 to 2.

Public Law 2005, chapter 5 was enacted as an emergency measure effective March 18, 2005.

**LD 121**

**An Act To Improve Communication, Cooperation and Efficiencies  
in State Government**

**PUBLIC 222**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW SAVAGE	OTP-AM	H-389

## *Joint Standing Committee on State and Local Government*

LD 121 is a concept draft pursuant to Joint Rule 208 that proposed to enact measures designed to improve communication, cooperation and efficiencies within all 3 branches of State Government and provide state assistance to local government to encourage regionalization and cost-effective service delivery.

**Committee Amendment "A" (H-389)** proposed to replace the text of the concept draft. It proposed to rename the Intergovernmental Advisory Group the Intergovernmental Advisory Commission and add 2 members appointed by the Governor who represent public safety, one municipal member nominated by a statewide organization representing public safety interests and one county official nominated by a statewide association of county commissioners. It also proposed to require the Executive Department, State Planning Office to designate an individual as an intergovernmental coordinator who will work to encourage improved governmental cooperation, efficiencies in service delivery and coordination of regional and cooperative efforts initiated through state departments and agencies. The commission, which may meet up to 4 times per year, may have up to 6 additional meetings if it raises funds to compensate members. The amendment proposed to add an appropriations and allocations section.

### *Enacted law summary*

Public Law 2005, chapter 222 renames the Intergovernmental Advisory Group the Intergovernmental Advisory Commission. It allows for 2 additional members appointed by the Governor who represent public safety, one municipal member nominated by a statewide organization representing public safety interests and one county official nominated by a statewide association of county commissioners. It also requires the Executive Department, State Planning Office to designate an individual as an intergovernmental coordinator who will work to encourage improved governmental cooperation, efficiencies in service delivery and coordination of regional and cooperative efforts initiated through state departments and agencies. The commission, which may meet up to 4 times per year, may have up to 6 additional meetings if it raises funds to compensate members.

**LD 126**

**Resolve, Authorizing the City of Gardiner To Refinance Certain  
Temporary Bond Anticipation Notes Issued for Its Wastewater  
Project**

**RESOLVE 2  
EMERGENCY**

Sponsor(s)  
HANLEY S  
COWGER

Committee Report  
OTP

Amendments Adopted

LD 126 proposed to allow the City of Gardiner to issue and sell its temporary general obligation bond anticipation notes in a principal amount not to exceed \$1,507,000 for an additional 2 years for the purpose of refinancing certain outstanding temporary notes originally issued in August 2002 and to finance additional costs of the wastewater project for the City of Gardiner.

### *Enacted law summary*

Resolve 2005, chapter 2 allows the City of Gardiner to issue and sell its temporary general obligation bond anticipation notes in a principal amount not to exceed \$1,507,000 for an additional 2 years for the purpose of refinancing certain outstanding temporary notes originally issued in August 2002 and to finance additional costs of the wastewater project for the City of Gardiner.

## *Joint Standing Committee on State and Local Government*

Resolve 2005, chapter 2 was finally passed as an emergency measure effective March 3, 2005.

**LD 140**                      **An Act To Change the Name of T8 SD to Fletchers Landing Township**                      **P & S 3**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM    MAJ	S-14
CROSTHWAITE	ONTP       MIN	

LD 140 proposed to authorize the Hancock County commissioners to seek approval from the residents of T8 SD to rename the township Fletchers Landing Township.

**Committee Amendment "A" (S-14)** proposed to rename the town of T8 SD, Fletchers Landing Township, without a referendum.

### *Enacted law summary*

Private and Special Law 2005, chapter 3 renames the town of T8 SD in Hancock County, Fletchers Landing Township.

**LD 150**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a 2/3 Vote of the Legislature To Enact or Increase a Tax**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	ONTP       MAJ	
TARDY	OTP       MIN	

LD 150 proposed a constitutional amendment that requires approval of 2/3 of each House of the Legislature to enact or increase taxes or to repeal existing tax exemptions except when inadequate funds have been appropriated for debt payment.

**LD 197**                      **An Act To Reduce Dependence on Fossil Fuels by Advancing Biodiesel Use**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA	ONTP       MAJ	
SNOWE-MELLO	OTP-AM    MIN	

LD 197 proposed to require that all facilities owned by the State that consume heating oil use biodiesel fuel. This bill would require state-owned motor vehicles that use diesel fuels to use biodiesel fuel. These requirements are satisfied if the fuel used includes at least 20% biodiesel fuel.

## *Joint Standing Committee on State and Local Government*

**Committee Amendment "A" (H-266)**, which is the minority report, proposed to add an appropriations and allocations section to the bill.

**LD 222**                      **An Act To Undedicate County Fees for Recording Deeds**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J BARSTOW	ONTP	

LD 222 proposed to allow counties to use the \$3 surcharge on the recording of deeds as general revenue for the county.

**LD 223**                      **An Act To Create a Family Reunion Day in August**                      **PUBLIC 8**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP	

LD 223 proposed to designate the Monday after the first full weekend of August as Family Reunion Day.

### *Enacted law summary*

Public Law 2005, chapter 8 designates the Monday after the first full weekend of August as Family Reunion Day.

**LD 240**                      **An Act To Update Certain Provisions Pertaining to County Government**                      **PUBLIC 79**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER SCHNEIDER	OTP	

LD 240 proposed to define the term "county official" in order to make the distinction between this category of county personnel, which includes both appointed and elected county offices, and the narrower category of "county officer," which refers only to elected offices. These definitions make the same distinction as those in municipal laws. The bill proposed to allow a county treasurer to pay clerical help either weekly or biweekly, at the discretion of the commissioners, consistent with recent changes to Maine's hour and wage laws. It also proposed to remove references to the Legislature in provisions governing adoption of a county budget because those provisions have been obsolete in all counties for a number of years.

### *Enacted law summary*

Public Law 2005, chapter 79 defines the term "county official" in order to make the distinction between this category of county personnel, which includes both appointed and elected county offices, and the narrower category of "county officer," which refers only to elected offices. These definitions make the same distinction as

## *Joint Standing Committee on State and Local Government*

those in municipal laws. This law allows a county treasurer to pay clerical help either weekly or biweekly, at the discretion of the commissioners, consistent with recent changes to Maine's hour and wage laws. It also removes references to the Legislature in provisions governing adoption of a county budget because those provisions have been obsolete in all counties for a number of years.

**LD 245**

### **An Act To Enact an Immediate Review System in the Office of Program Evaluation and Government Accountability**

**PUBLIC 104**

Sponsor(s)  
CROSTHWAITE  
NASS R

Committee Report  
OTP-AM

Amendments Adopted  
H-135

LD 245 proposed to establish within the Office of Program Evaluation and Government Accountability an immediate review system to provide immediate review of a program or function of a state agency or other entity in the event that there is a suspicion of a major auditing problem or major fraud or major mismanagement of public funds.

**Committee Amendment "A" (H-135)** proposed to strike the text "major auditing problem or major fraud" leaving major mismanagement as the cause for immediate review. The amendment also proposed to allow for an immediate review when there is a suspected mismanagement of public funds or functions. It would require the Director of the Office of Program Evaluation and Government Accountability to coordinate with the Attorney General, State Auditor, State Controller and others considered appropriate by the director.

#### ***Enacted law summary***

Public Law 2005, chapter 104 establishes within the Office of Program Evaluation and Government Accountability an immediate review system to provide immediate review of a program or function of a state agency or other entity in the event that there is a suspicion of a major mismanagement of public funds or functions. It requires the Director of the Office of Program Evaluation and Government Accountability to coordinate with the Attorney General, State Auditor, State Controller and others considered appropriate by the director.

**LD 249**

### **An Act To Amend the Calculation for Annual County Tax Assessments**

**ONTP**

Sponsor(s)  
BARSTOW  
BARTLETT

Committee Report  
ONTP

Amendments Adopted

LD 249 proposed to require county commissioners to calculate the budgeted cost of noncontracted rural sheriff patrol services in proportion to which those services are provided to municipalities and unorganized territories in their counties.

## *Joint Standing Committee on State and Local Government*

**LD 287**

**An Act To Require Fiscal Impact Notes for Proposed Agency Rules**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	ONTP      MAJ	
	OTP-AM    MIN	

LD 287 proposed to require state agencies to expand fiscal impact note requirements to include the regulated community of a proposed rule.

**Committee Amendment "A" (H-39)**, which is the minority report, proposed to remove the words “with specificity” from the requirement for state agencies to provide estimated costs of a proposed rule to the regulated community. The amendment also proposed the fiscal impact note describe the benefits of the proposed rule.

**LD 317**

**An Act To Set the Base Legislative Salary at \$15,000 Per Year**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	ONTP      MAJ	
STRIMLING	OTP        MIN	

LD 317 proposed to set the base legislative salary at \$15,000 per year starting in December 2008 and send the question out for referendum.

**LD 339**

**An Act To Include Androscoggin County in the Law Governing the Use of County Surplus Funds**

**PUBLIC 84**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP	
SAMPSON		

LD 339 proposed to remove the exception for Androscoggin County in the law on use of county surplus funds.

### ***Enacted law summary***

Public Law 2005, chapter 84 removes the exception for Androscoggin County in the law on use of county surplus funds.



## *Joint Standing Committee on State and Local Government*

**LD 361**

**An Act To Reestablish the Penobscot County Budget Committee**

**PUBLIC 124  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHARD PERRY J	OTP-AM	H-126 H-280 BARSTOW

LD 361 proposed to reestablish the Penobscot County Budget Committee.

**Committee Amendment "A" (H-126)** proposed to amend the bill by adding a mandate preamble, an emergency preamble and an emergency clause.

**House Amendment "A" (H-280)** proposed to clarify that the 2 budget committee members elected from each county commissioner district serve staggered terms.

### *Enacted law summary*

Public Law 2005, chapter 124 reestablishes the Penobscot County Budget Committee.

Public Law 2005, chapter 124 was enacted as an emergency measure effective May 18, 2005.

**LD 377**

**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Establish Health Care as a Right**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY	OTP-AM MAJ ONTP MIN	

LD 377 proposed to amend the Constitution of Maine to establish health care as a right.

**Committee Amendment "A" (H-150)** proposed to add to the constitutional amendment the requirement that the Legislature determine what the access to the right to health care should be.

**LD 379**

**An Act To Raise the Marriage Fees**

**PUBLIC 86**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN	OTP	

LD 379 proposed to increase the fee for recording marriage intentions and issuing a marriage license from \$20 to \$30.

## *Joint Standing Committee on State and Local Government*

### ***Enacted law summary***

Public Law 2005, chapter 86 increases the fee for recording marriage intentions and issuing a marriage license from \$20 to \$30.

**LD 428**

**An Act To Require a Nonpartisan Legislature**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREELEY	ONTP      MAJ OTP-AM    MIN	

LD 428 is a concept draft pursuant to Joint Rule 208 that proposed to establish a nonpartisan legislature by prohibiting a candidate for the Legislature from running as a member of a political party or having a party affiliation listed on the ballot. Primaries would still be held and the 2 candidates with the highest vote totals from each Senate or House district would run against each other in the general election. The prohibition would be phased in over an 8-year period by applying it to candidates for the 123rd through 126th Legislatures who are not members of the 122nd Legislature.

**Committee Amendment "A" (H-194)**, which is the minority report, proposed to replace the concept draft with a resolve establishing the Commission for a Nonpartisan Legislature to conduct a study on the impact of a nonpartisan Legislature.

**LD 440**

**RESOLUTION, To Amend the Constitution of Maine To Change the Number of Senators to 2 from Each County**

**DIED BETWEEN  
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY DAVIS P	ONTP      MAJ OTP-AM    MIN	

LD 440 proposed to amend the Constitution to reduce the size of the Senate from no more than 35 members to 32 members and redraw the district lines so that each county is represented by 2 Senators. The redrawing of district lines would occur during the regularly scheduled redistricting following the decennial census. The redistricting will be done in 2009.

**Committee Amendment "A" (H-151)**, which is the minority report, proposed to incorporate a fiscal note.

**LD 455**

**An Act To Create a Paperless Legislature and Encourage More Working-income Legislators by Allocating Savings Resulting from a Reduction in the Size of the Legislature**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH	ONTP	

## *Joint Standing Committee on State and Local Government*

LD 455, a companion bill to a Constitutional Resolution reducing the size of the Maine Legislature, proposed to establish the manner in which the Legislature intends to apportion the savings that would result from a reduction in the size of the Legislature. One-third of the savings would be used to increase the pay of Legislators, one-third would be used for high speed access and internal networking at the desks of Legislators, and one-third would be deposited into the General Fund.

**LD 461**                      **RESOLUTION, Proposing an Amendment to the Constitution of**                      **ONTP**  
**Maine To Reduce the Size of the Legislature**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH	ONTP      MAJ	
	OTP-AM      MIN	

LD 461 proposed a constitutional amendment to reduce the size of the House of Representatives from 151 members to 99 members and the size of the Senate from no more than 35 members to 33 members. The redistricting will be done in 2006 during the Second Regular Session of the 122nd Legislature and the reduction in the size of each legislative body take effect in 2007. The savings from the reduction in the size of the Legislature is appropriated in a companion bill.

**Committee Amendment "A" (H-350)**, which is the minority report, proposed to incorporate a fiscal note.

**LD 471**                      **Resolve, To Ensure the Collection and Report of Outsourcing Data**                      **RESOLVE 16**  
**EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY	OTP-AM	H-133
EDMONDS		

LD 471 proposed to prohibit any Maine Government department, agency or bureau from conducting business with any entity that outsources its services outside the United States. This would include all contracts and procurements by the State.

**Committee Amendment "A" (H-133)** proposed to replace the bill with a resolve directing the Department of Administrative and Financial Services, Division of Purchases to collect information from all contracted providers of services to the State regarding the country where the services will be performed and to notify the department of any changes to this information. The amendment proposed to require the Division of Purchases to report this information to the Joint Standing Committee on State and Local Government by January 15, 2006.

### ***Enacted law summary***

Resolve 2005, chapter 16 directs the Department of Administrative and Financial Services, Division of Purchases to collect information from all contracted providers of services to the State regarding the country where the services will be performed and to notify the department of any changes to this information. It requires the Division of Purchases to report this information to the Joint Standing Committee on State and Local Government by January 15, 2006.

## *Joint Standing Committee on State and Local Government*

Resolve 2005, chapter 16 was finally passed as an emergency measure effective May 12, 2005.

**LD 473**

**An Act To Increase Vital Records Fees**

**PUBLIC 112**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEWIN ANDREWS	OTP	

LD 473 proposed to increase the fee paid to a municipality for providing a copy of a birth, marriage or death certificate from \$7 to \$10 for the first copy and from \$3 to \$5 for each additional copy. The bill also proposed to increase the burial permit fee from \$4 to \$5. The fees currently paid to the State for providing a copy of a birth, marriage or death certificate is \$15 for the first copy and \$6 for each additional copy.

**Senate Amendment "A" (S-75)** proposed to exclude copies of death certificates from the increase of the fee paid to a municipality for providing a copy of certain certificates. This amendment was not adopted.

### *Enacted law summary*

Public Law 2005, chapter 112 increases the fee paid to a municipality for providing a copy of a birth, marriage or death certificate from \$7 to \$10 for the first copy and from \$3 to \$5 for each additional copy. It also increases the burial permit fee from \$4 to \$5. The fees currently paid to the State for providing a copy of a birth, marriage or death certificate is \$15 for the first copy and \$6 for each additional copy.

**LD 474**

**An Act To Clarify the Authority of a County To Fund Its County Communications Center through the County Tax or Fee-for-service Agreements**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHARD SCHNEIDER	ONTP	

LD 474 proposed to clarify that a county communications center may be funded through the county tax if the center is available for use by any municipality in the county that chooses to use it, even if one or more municipalities in the county elect not to use the center. It would also allow the county commissioners to enter into an agreement with a municipality, whether or not located in the county, to provide that municipality with any of the communications services offered by the county's communications center in return for payment for these services.

## *Joint Standing Committee on State and Local Government*

**LD 488**

**An Act To Clarify City Election Procedures**

**PUBLIC 59  
EMERGENCY**

Sponsor(s)  
ADAMS

Committee Report  
OTP

Amendments Adopted

LD 488 proposed to clarify the procedure for calling an election in a city, if the municipal charter does not specify the procedure, by allowing notification of the election to be done by warrant or by notice of election.

### ***Enacted law summary***

Public Law 2005, chapter 59 clarifies the procedure for calling an election in a city, if the municipal charter does not specify the procedure, by allowing notification of the election to be done by warrant or by notice of election.

Public Law 2005, chapter 59 was enacted as an emergency measure effective April 21, 2005.

**LD 489**

**Resolve, Authorizing the Commissioner of Administrative and Financial Services To Place under Option or Right of First Refusal Certain Property along State Street, Augusta, Maine**

**RESOLVE 4**

Sponsor(s)  
LERMAN

Committee Report  
OTP-AM

Amendments Adopted  
H-40

LD 489 proposed to authorize the Commissioner of Administrative and Financial Services to place under option or right of first refusal Tax Map Parcel 33-115 along State Street in Augusta, Maine. This parcel is essential to implementation of the Augusta State Facilities Master Plan that seeks to create a suitable gateway into the State's capital facilities. The property will be purchased only if the purchase is authorized and funded by the Legislature.

**Committee Amendment "A" (H-40)** proposed to incorporate a fiscal note.

### ***Enacted law summary***

Resolve 2005, chapter 4 authorizes the Commissioner of Administrative and Financial Services to place under option or right of first refusal Tax Map Parcel 33-115 along State Street in Augusta, Maine. This parcel is essential to implementation of the Augusta State Facilities Master Plan that seeks to create a suitable gateway into the State's capital facilities. The property will be purchased only if the purchase is authorized and funded by the Legislature.

## *Joint Standing Committee on State and Local Government*

**LD 504**                      **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located along the New Belgrade Road in Augusta**                      **RESOLVE 5**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN	OTP-AM	H-41

LD 504 proposed to authorize the Commissioner of Administrative and Financial Services to sell or lease the State's interests in a small portion of the Maine Veterans Memorial Cemetery lying along New Belgrade Road, also known as Civic Center Drive, in Augusta, Maine.

**Committee Amendment "A" (H-41)** proposed to incorporate a fiscal note.

### *Enacted law summary*

Resolve 2005, chapter 5 authorizes the Commissioner of Administrative and Financial Services to sell or lease the State's interests in a small portion of the Maine Veterans Memorial Cemetery lying along New Belgrade Road, also known as Civic Center Drive, in Augusta, Maine.

**LD 517**                      **An Act To Require Legislative Oversight of Certain Agency and Administrative Rules**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING R ANDREWS	ONTP	

LD 517 is a concept draft pursuant to Joint Rule 208 that proposed to amend the rule-making process under the Maine Administrative Procedure Act to ensure that rulemaking that results in a significant cost of doing business receives full review and approval by the Legislature before taking effect.

**LD 521**                      **An Act To Provide Funding for the New Century Community Program**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	ONTP      MAJ	
EDMONDS	OTP-AM      MIN	

LD 521 proposed to provide funding for the New Century Community Program through a surcharge on the recording of documents. The New Century Community Program provides seed money grants to communities, with a local match, for the preservation of archives, historic records, artifacts and libraries and related structures.

**Committee Amendment "A" (H-267)**, which is the minority report, proposed to add an appropriations and allocations section to the bill.

## *Joint Standing Committee on State and Local Government*

**LD 532**

**Resolve, To Recognize April 6, 2005 as the National Day of Hope**

**RESOLVE 6  
EMERGENCY**

Sponsor(s)  
ANDREWS  
LEWIN

Committee Report  
OTP-AM

Amendments Adopted  
S-19

LD 532 proposed to declare April 6, 2005 as the National Day of Hope.

**Committee Amendment "A" (S-19)** proposed to change the title and change the language of declaring a National Day of Hope to recognizing the National Day of Hope.

### *Enacted law summary*

Resolve 2005, chapter 6 recognizes the National Day of Hope observed on April 6, 2005.

Resolve 2005, chapter 6 was finally passed as an emergency measure effective April 1, 2005.

**LD 551**

**An Act To Amend the Budget Timetable for Oxford County**

**PUBLIC 29**

Sponsor(s)  
HANLEY B  
HASTINGS

Committee Report  
OTP

Amendments Adopted

LD 551 proposed to change the date by which the Oxford County commissioners must approve the county budget from December 15th to the 3rd Tuesday in December.

### *Enacted law summary*

Public Law 2005, chapter 29 changes the date by which the Oxford County commissioners must approve the county budget from December 15th to the 3rd Tuesday in December.

**LD 557**

**An Act To Provide Relief from the Cost of Rescue Services to  
Certain Communities**

**PUBLIC 413**

Sponsor(s)  
CARR  
SCHNEIDER

Committee Report  
OTP-AM MAJ  
ONTP MIN

Amendments Adopted  
H-317  
S-396 ROTUNDO

LD 557 proposed to require the State to reimburse communities of fewer than 200 people that have no Interstate 95 exit within the town limits of that town for those communities' costs of providing fire, ambulance or other rescue services for accidents that occur on Interstate 95. This reimbursement is both for communities whose own

## *Joint Standing Committee on State and Local Government*

services are dispatched to the accident and for communities that do not have their own services but help pay for services dispatched from other communities.

**Committee Amendment "A" (H-317)** proposed to add an appropriations and allocations section to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-396)** proposed to allow for reimbursement to small communities for providing rescue services for accidents that occur on Interstate 95. The amendment proposed to establish the Reimbursement for Rescue Services Fund and allow the Commissioner of Public Safety to accept money from any source to fund the fund.

### *Enacted law summary*

Public Law 2005, chapter 413 allows the State to reimburse communities of fewer than 200 people that have no Interstate 95 exit within the town limits of that town for those communities' costs of providing fire, ambulance or other rescue services for accidents that occur on Interstate 95. It establishes the Reimbursement for Rescue Services Fund and allows the Commissioner of Public Safety to accept money from any source to fund the fund.

**LD 562**                      **An Act To Improve Public Understanding in Rulemaking**                      **DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM      MAJ	
NUTTING J	ONTP        MIN	

LD 562 proposed to require the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to make available to the public primary sources of information that support the primary provisions in proposed rules.

**Committee Amendment "A" (H-101)** proposed to require a rule-making agency to make the principal source of information for a rule available to the public. It also widens the scope of this requirement to apply to all government agencies and departments. The Act would be repealed on October 15, 2007.

**LD 567**                      **An Act To Require Legislative Approval for the State To Accept a Gift of 100 Acres or More of Land**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	ONTP        MAJ	
JODREY	OTP         MIN	

LD 567 proposed to require legislative approval for the State to accept a gift of land of 100 acres or more.



## *Joint Standing Committee on State and Local Government*

**LD 575**

**An Act To Amend the Laws Governing the Community  
Preservation Advisory Committee**

**PUBLIC 201**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ	S-102
KOFFMAN	ONTP MIN	

LD 575 proposed to authorize the Community Preservation Advisory Committee to submit legislation related to its annual report.

**Committee Amendment "A" (S-102)** proposed to allow the Community Preservation Advisory Committee to submit legislation related to its annual reports to the first regular session of each Legislature.

### *Enacted law summary*

Public Law 2005, chapter 201 authorizes the Community Preservation Advisory Committee to submit legislation related to its annual reports to the first regular session of each Legislature.

**LD 589**

**Resolve, Directing the Commission on Governmental Ethics and  
Election Practices To Study Ethical Standards Regarding Former  
Legislators** **DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWLES	OTP-AM	H-134
DAVIS P		

LD 589 proposed to prohibit former Legislators from working for a state agency, a public higher education institution, the judicial branch, except when serving as a justice or judge, and lobbying organizations for a period of 2 years after leaving office. The bill does not preclude working for a business or organization that is represented by a lobbying organization.

**Committee Amendment "A" (H-134)** proposed to replace the bill with a resolve that directs the Commission on Governmental Ethics and Election Practices to study whether there is a potential ethical issue with former Legislators acting as lobbyists after leaving office.

**House Amendment "A" to Committee Amendment "A" (H-435)** proposed to change the date by which the Commission on Governmental Ethics and Election Practices must submit its report from January 15, 2006 to January 15, 2007 and also change the session in which the joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to report out legislation from the Second Regular Session of the 122nd Legislature to the First Regular Session of the 123rd Legislature.

## *Joint Standing Committee on State and Local Government*

**LD 631**                      **An Act To Establish a Maine Law Sunset Review Committee**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROSTHWAITE DAVIS P		

LD 631 proposes to create a process for a review of the Maine Revised Statutes to eliminate obsolete and outdated statutes. The process is based on the assignment in each Legislature of a joint standing or joint select committee whose duties are to review the Maine Revised Statutes and report at the beginning of the second regular session of that Legislature a summary of the committee's work and any recommended legislation. The committee meets during legislative sessions and may meet between sessions as authorized by the presiding officers. The Legislative Council would provide staffing assistance. Other state agencies may provide assistance.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

**LD 671**                      **An Act To Provide a Method of Self-governance to Unorganized Areas**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	ONTP	

LD 671 proposed to establish a new chapter in the Maine Revised Statutes, Title 30-A that provides a method for unorganized areas to develop a system of self-governance. It delineates the requirements that must be met for a town to be created in the unorganized areas and outlines the powers, duties and responsibilities of the new town's government. It also requires the Department of Administrative and Financial Services, Maine Revenue Services to develop a fair system of reimbursement for tree growth to towns established under the new chapter.

**LD 695**                      **An Act Regarding Constitutional Officers**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP          MAJ	
BOWLES	ONTP        MIN	

LD 695 proposed to prohibit constitutional officers from using their titles or allowing their titles to be used for political purposes not necessary for the administration of their offices.

## *Joint Standing Committee on State and Local Government*

**LD 696**

### **An Act To Amend the Requirements for Publishing Municipal Legal Notices**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	ONTP MAJ OTP-AM MIN	

LD 696 proposed to allow municipalities to publish legal notices in a newspaper medium distributed as 3rd-class mail if the municipal officers adopt a publication policy. The policy must contain 5 requirements: the newspaper of general circulation must have a subscription rate of less than 30% of the residents in the municipality; all households in the municipality must receive the alternative newspaper; the alternative newspaper must cost less than the newspaper of general circulation; the municipality must retain a record of all notices published in the alternative newspaper; and the publisher of the alternative newspaper must have a system of archiving past editions.

**Committee Amendment "A" (S-90)**, which is the minority report, proposed to require a municipality that publishes its municipal legal notices in an alternative newspaper medium and not a newspaper of general circulation to include in its publication policy a requirement to report that fact to the Executive Department, State Planning Office. The amendment proposed that the bill would be repealed October 15, 2007.

**LD 717**

### **An Act To Clarify State Auditor Qualifications**

**DIED BETWEEN  
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIELDS SNOWE-MELLO	OTP MAJ ONTP MIN	

LD 717 proposed to require that the State Auditor after the current term must be a certified public accountant or qualified to be certified as a public accountant licensed pursuant to the Maine Revised Statutes, Title 32, section 12228. The bill also removes obsolete language and gender-specific references.

**LD 727**

### **An Act To Amend the Knox County Budget Process**

**PUBLIC 105**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWEN SAVAGE	OTP-AM	H-148

LD 727 proposed to amend the Knox County budget process by providing that a vacancy on the budget committee must be filled by a person from the same district rather than the same municipality. It proposed to prohibit a member of the budget committee from holding any other municipal or county elective office while a member of the budget committee. This bill would also require a 2/3 vote of the budget committee and a 2/3 vote of the county commissioners for final action and approval of the budget.

## *Joint Standing Committee on State and Local Government*

**Committee Amendment "A" (H-148)** proposed to remove the prohibition on members of the Knox County budget committee holding municipal or county elective office. It also proposed to remove the requirement that the county budget be approved by 2/3 of the budget committee and 2/3 of the county commissioners.

### ***Enacted law summary***

Public Law 2005, chapter 105 amends the Knox County budget process by providing that a vacancy on the budget committee must be filled by a person from the same district rather than the same municipality.

**LD 744**

**An Act To Make Technical Changes to the Laws Establishing the  
Lincoln and Sagadahoc Multicounty Jail Authority**

**PUBLIC 47  
EMERGENCY**

Sponsor(s)  
MAYO  
RINES

Committee Report  
OTP-AM

Amendments Adopted  
S-31

LD 744 proposed to provide for the establishment of the Lincoln and Sagadahoc Multicounty Jail Authority as a public body corporate and politic and a public instrumentality of the counties.

**Committee Amendment "A" (S-31)** proposed to add a new section that clarifies that the liability of the jail authority and its personnel is governed by the Maine Tort Claims Act and that members and employees of the jail authority are not personally liable for actions taken within the course and scope of their respective duties on behalf of the authority.

### ***Enacted law summary***

Public Law 2005, chapter 47 provides for the establishment of the Lincoln and Sagadahoc Multicounty Jail Authority as a public body corporate and politic and a public instrumentality of the counties. This law clarifies that the liability of the jail authority and its personnel is governed by the Maine Tort Claims Act and that members and employees of the jail authority are not personally liable for actions taken within the course and scope of their respective duties on behalf of the authority.

Public Law 2005, chapter 47 was enacted as an emergency measure effective April 8, 2005.

**LD 773**

**An Act To Allow Municipalities To Collect Debts through the  
Placement of Liens on Property**

**ONTP**

Sponsor(s)  
JACOBSEN  
COURTNEY

Committee Report  
ONTP

Amendments Adopted

LD 773 proposed to give the treasurer of a municipality the power to place a lien on a property within the municipality for a debt lawfully owed to the municipality by the owner of that property.

## *Joint Standing Committee on State and Local Government*

**LD 798**

**An Act To Establish a Sunset on New State Agencies and Programs**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS PELLETIER-SIMPS		

LD 798 proposes to establish an automatic sunset on all new agencies or programs established or funded beginning January 1, 2006 unless the agency or program is extended through legislative action prior to the date of sunset.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

**LD 802**

**An Act To Improve the Efficiency of the Legislature**

**DIED BETWEEN  
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWEN	OTP-AM MAJ ONTP MIN	

LD 802 proposed to authorize the Legislative Council to contract for laptop computers for all Legislators. The computers will include word processing software, Internet and e-mail access. Savings in printing and, if necessary, out-of-state travel would be used to fund the computer purchase.

**Committee Amendment "A" (H-447)** replaces the bill and proposed to require the Legislative Council to provide laptop computers and systems in the Senate by January 1, 2006 subject to available funding. Outside funding may be accepted for the purchase or lease and outfitting of the laptops and must be administered by the Legislative Council. The Secretary of the Senate and Legislative Information Services shall report on the progress of the laptops to the Legislative Council by June 1, 2006. The Legislative Council shall take into account the findings of this report when providing laptops and systems to all members of the House by December 1, 2006.

**LD 889**

**An Act To Create the County Government Capital Improvements Revolving Loan Fund**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON		

LD 889 proposes to establish the County Government Capital Improvements Revolving Loan Fund.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

## *Joint Standing Committee on State and Local Government*

**LD 900**

**Resolve, Directing the State Planning Office To Establish a Process  
for the Collection of Municipal and County Data**

**RESOLVE 15**

Sponsor(s)  
MILLS P

Committee Report  
OTP-AM

Amendments Adopted  
S-91

LD 900 proposed to require the Executive Department, State Planning Office to collect all municipal and county spending data. Municipal and county governments will be required to submit data in formats approved by the United States Census Bureau. The State Planning Office would review the possibility of selling the data and report its findings to the Joint Standing Committee on State and Local Government.

**Committee Amendment "A" (S-91)** proposed to replace the bill with a resolve that directs the Executive Department, State Planning Office to establish a process for collecting municipal and county revenue and spending data by cooperating with the Department of Audit, the Maine County Commissioners' Association, the Maine Municipal Association and others determined appropriate in order to convert that data into the United States Census forms for the Annual Survey of Local Government Finances, Municipalities and Townships, and the Annual Survey of County Government Finances.

### *Enacted law summary*

Resolve 2005, chapter 15 directs the Executive Department, State Planning Office to establish a process for collecting municipal and county revenue and spending data by cooperating with the Department of Audit, the Maine County Commissioners' Association, the Maine Municipal Association and others determined appropriate in order to convert that data for the United States Census forms for the Annual Survey of Local Government Finances, Municipalities and Townships, and the Annual Survey of County Government Finances.

**LD 925**

**An Act To Fairly Apportion the Cost of Sheriff Patrol Services**

**CARRIED OVER**

Sponsor(s)  
BARSTOW

Committee Report

Amendments Adopted

LD 925 proposes to require the county commissioners to calculate the budgeted cost of noncontracted sheriff patrol services in the proportion to which those services are provided to municipalities and unorganized territories in the county. This bill would require that the routine provision of sheriff patrol services be subject to the terms of a contract with the municipality receiving these services.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

**LD 937**

**Resolve, To Study the Feasibility of Dividing Maine into 2 States**

**ONTP**

Sponsor(s)  
JOY

Committee Report  
ONTP MAJ  
OTP-AM MIN

Amendments Adopted

## *Joint Standing Committee on State and Local Government*

LD 937 proposed to require the Executive Department, State Planning Office to study the feasibility of dividing Maine into 2 separate states based upon the current districts for the election of representatives from Maine to the United States Congress.

**Committee Amendment "A" (H-202)**, which is the minority report, proposed to add an appropriations and allocations section to the resolve.

**LD 968**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit the Imposition of Any New or Increased Tax or Fee through the Citizen Initiative Process**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY	ONTP	

LD 968 proposed to amend the Constitution of Maine to prohibit the imposition of any new or increased taxes or fees through the citizen initiative process.

**LD 990**                      **Resolve, To Allow the Somerset County Jail To Be Built within One Mile of the County Seat**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P DAVIS P	OTP	

LD 990 proposed to allow the Somerset County jail to be built within one mile of the county seat, Skowhegan. Current law requires a county building to be located within the county seat unless the voters in the county vote to locate the building elsewhere.

**LD 991**                      **An Act To Restore Municipal Authority To Review Development Using Flexible Standards**                      **PUBLIC 244**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-174

LD 991 proposed to amend planning and land use regulation standards by allowing a municipality to grant to its planning board or other development board the authority to approve developmental proposals with smaller dimensional standards, even if the municipality has a zoning board, for the purpose of promoting neighborhood development. Current law prohibits the granting of a variance by any entity other than a zoning board of appeals in those municipalities that have zoning boards.

## *Joint Standing Committee on State and Local Government*

**Committee Amendment "A" (S-174)** proposed to replace the bill and define "cluster development" as development in which individual lot sizes and setbacks may be reduced in exchange for areas of common space and recreation and environmental purposes. It would allow a zoning ordinance to delegate to the municipal reviewing authority the ability to approve development proposals that do not meet dimensional standards in order to promote cluster development, accommodate lots with insufficient frontage or provide for reduced setbacks for lots or buildings. The amendment would specify that the delegation of authority does not authorize the reduction of shoreland zoning dimensional requirements.

### ***Enacted law summary***

Public Law 2005, chapter 244 defines "cluster development" as development in which individual lot sizes and setbacks may be reduced in exchange for areas of common space and recreation and environmental purposes. It allows a zoning ordinance to delegate to the municipal reviewing authority the ability to approve development proposals that do not meet dimensional standards in order to promote cluster development, accommodate lots with insufficient frontage or provide for reduced setbacks for lots or buildings. This law specifies that the delegation of authority does not authorize the reduction of shoreland zoning dimensional requirements.

**LD 992**

**An Act To Reform County Governance**

**ONTP**

Sponsor(s)  
MILLS P

Committee Report  
ONTP

Amendments Adopted

LD 992 is a concept draft pursuant to Joint Rule 208 that proposed to create a uniform structure for county government, to be effective on election day in November 2006. Specifically, this bill proposed to:

1. Increase the number of county commissioners from 3 to 5. Of the 5 commissioners, 4 would serve from districts of uniform size within the county and the 5th would be elected from the county at large;
2. Establish the terms of office for county commissioners at 4 years. 3 of the 5 county commissioners would be elected in even-numbered years and the remaining 2 commissioners would be elected in odd-numbered years;
3. Authorize the county commissioners to appoint the county sheriff, register of deeds and county treasurer;
4. Dissolve the office of judge of probate and transfer probate judicial functions to the Superior Court and District Court; and
5. Give the clerk of the Superior Court immediate supervisory authority over the register of probate and make the position of register of probate subject to state civil service law.

**LD 1003**

**An Act To Establish the Androscoggin County Budget Advisory Committee and the Somerset County Budget Advisory Committee**

**CARRIED OVER**

Sponsor(s)  
SNOWE-MELLO

Committee Report

Amendments Adopted



## *Joint Standing Committee on State and Local Government*

LD 1003 proposes to repeal the existing process of adoption of a budget in Androscoggin County and in Somerset County and establish the Androscoggin County Budget Advisory Committee and the Somerset County Budget Advisory Committee. This bill was recommitted to the Joint Standing Committee on State and Local Government after initially reporting it out with the following committee amendment.

**Committee Amendment "A" (S-295)** proposed to amend the dates to reflect the fiscal year beginning on January 1st. It would reconvene the apportionment commission that conducted the apportionment in 2003 to reapportion Androscoggin County Commissioner Districts from 3 districts to 5 districts. The first election held in the new districts must be the statewide election in November 2006. The current Androscoggin County budget committee would be repealed September 15, 2007 and the Androscoggin County Budget Advisory Committee take effect on the same day. The amendment also proposed to remove Somerset County from the bill so that the bill only affects Androscoggin County.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

**LD 1029**

### **An Act To Allow Municipalities To Acquire Title to Abandoned Cemeteries**

**PUBLIC 225**

Sponsor(s)  
PINGREE  
DAMON

Committee Report  
OTP-AM

Amendments Adopted  
H-265

LD 1029 proposed to allow municipalities to take title to abandoned cemeteries, which are cemeteries in which no burial has taken place for at least 40 years and whose lots or grave sites have not been maintained for at least 10 years. The municipality shall attempt to identify and notify the owner of the municipality's intention to acquire the cemetery. If no owner is identified, the municipality shall publish notice in a newspaper of general circulation of the municipality's intention to acquire the cemetery. If an owner objects and reasserts ownership rights, the owner shall promptly conform to any municipal ordinance concerning the cemetery. If no owner objects within 14 days of the last published notice, then title to the cemetery reverts to the municipality.

**Committee Amendment "A" (H-265)** proposed to require a municipality to file a confirmation of acquisition in the registry of deeds in the county in which the municipality is located. It would clarify the language and require the municipality to record the confirmation in the registry in the county in which the cemetery is located. It also proposed to require municipalities that acquire title to abandoned cemeteries to keep title of the land forever and not sell the property. The municipality must maintain the existing use of the land as a cemetery. The municipality may have a survey done to determine the extent of the cemetery and may develop a preservation plan with a local cemetery association and archaeologists.

#### ***Enacted law summary***

Public Law 2005, chapter 225 allows municipalities to take title to abandoned cemeteries, which are cemeteries in which no burial has taken place for at least 40 years and whose lots or grave sites have not been maintained for at least 10 years. The municipality shall attempt to identify and notify the owner of the municipality's intention to acquire the cemetery. If no owner is identified, the municipality shall publish notice in a newspaper of general circulation of the municipality's intention to acquire the cemetery. If an owner objects and reasserts ownership rights, the owner shall promptly conform to any municipal ordinance concerning the cemetery. If no owner objects within 14 days of the last published notice, then title to the cemetery reverts to the municipality.

## *Joint Standing Committee on State and Local Government*

Municipalities that acquire title to abandoned cemeteries are required to keep title of the land forever and not sell the property. The municipality must maintain the existing use of the land as a cemetery. The municipality may have a survey done to determine the extent of the cemetery and may develop a preservation plan with a local cemetery association and archaeologists.

**LD 1040**                      **An Act To Prevent the Short-term Rental of Unlicensed Properties**                      **ONTP**

<u>Sponsor(s)</u> BRYANT B	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
-------------------------------	---------------------------------	---------------------------

LD 1040 proposed to require a person who makes available for rental a room, apartment, condominium, cottage or house for less than one month to obtain a license from the municipal authorities.

**LD 1092**                      **An Act To Increase County Filing Fees**                      **PUBLIC 246**

<u>Sponsor(s)</u> LERMAN	<u>Committee Report</u> OTP            A OTP-AM       B OTP-AM       C	<u>Amendments Adopted</u>
-----------------------------	---	---------------------------

LD 1092 proposed to increase the fee for recording an instrument with a register of deeds by \$5.

**Committee Amendment "A" (H-268)** proposed to raise the fee for recording an instrument from \$8 for the first page to \$12 and the fee for an instrument that refers to more than one previously recorded instrument from \$8 to \$12. The fee for recording plans would be raised to \$12 from \$12. This amendment was not adopted.

**Committee Amendment "B" (H-269)** proposed to replace the bill and impose a \$6 surcharge on fees for recording documents in the registry of deeds, half of which is retained by the county and half of which is used to provide funding for the New Century Community Program. The New Century Community Program provides seed money grants to communities, with a local match, for the preservation of archives, historic records, artifacts and libraries and related structures. The amendment adds a mandate preamble and an appropriations and allocations section. This amendment was not adopted.

### *Enacted law summary*

Public Law 2005, chapter 246 increases the fee for recording an instrument with a register of deeds by \$5.

**LD 1096**                      **An Act To Make Technical and Minor Changes in the Capitol Planning Commission**                      **PUBLIC 123**

<u>Sponsor(s)</u> LERMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-219
-----------------------------	-----------------------------------	------------------------------------

## *Joint Standing Committee on State and Local Government*

LD 1096 proposed to change the composition of the resident membership of the Capitol Planning Commission from 2 residents of the Capitol Planning District and one resident of the City of Augusta not a resident of the Capitol Planning District to one resident of the Capitol Planning District and 2 residents of the City of Augusta not residents of the Capitol Planning District. The bill also proposed to change the term of the resident members from 2 years to 5 years.

**Committee Amendment "A" (H-219)** proposed to change the term of the members-at-large of the Capitol Planning Commission from 2 years to 5 years to match the terms given the resident members in the bill.

### ***Enacted law summary***

Public Law 2005, chapter 123 changes the composition of the resident membership of the Capitol Planning Commission from 2 residents of the Capitol Planning District and one resident of the City of Augusta not a resident of the Capitol Planning District, to one resident of the Capitol Planning District and 2 residents of the City of Augusta not residents of the Capitol Planning District. It changes the term of the resident members and the members-at-large of the Capitol Planning Commission from 2 years to 5 years.

**LD 1105                      An Act To Impose Liability for the Illegal Withholding or Transfer                      ONTP**  
**of Public Funds or Property**

<u>Sponsor(s)</u> TRAHAN COURTNEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
---	---------------------------------	---------------------------

LD 1105 proposed to provide that any state, county or municipal officer, official or employee that wrongfully withholds or unlawfully distributes public money or public property is liable for all costs of recovery of the money or property.

**LD 1127                      Resolve, To Establish a Pilot Project To Assist Towns Interested in   CARRIED OVER**  
**Multitown Cooperation and Governance**

<u>Sponsor(s)</u> ANDREWS BARSTOW	<u>Committee Report</u>	<u>Amendments Adopted</u>
---	-------------------------	---------------------------

LD 1127 proposes to require the Executive Department, State Planning Office, working with state and local government and education officials, to develop a municipal service district pilot project. Following a competitive process to determine the participating municipalities, the State Planning Office would continue to provide technical assistance, as well as grants, incentives and direct financial assistance to the municipalities participating in the pilot project. A timeline is provided for the development and submission of proposals and the design and implementation of the municipal service districts. Funding is provided through the Fund for the Efficient Delivery of Local and Regional Services and a separate appropriation.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

## *Joint Standing Committee on State and Local Government*

**LD 1204**

**An Act To Amend the Charter of the Farmington Village Corporation**

**P & S 15**

<u>Sponsor(s)</u> WOODCOCK	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-158
-------------------------------	-----------------------------------	------------------------------------

LD 1204 proposed to amend the charter of the Farmington Village Corporation by giving the corporation authority to take water in the Town of Farmington and to establish rates and repeals the section of the charter that limits the situations in which the corporation may lease its property. The bill also proposed to allow the authority to establish rates retroactive to 1911, which is the date of the corporation's new charter.

**Committee Amendment "A" (S-158)** proposed to strike out all the language dealing with financial assistance between Farmington Village Corporation and the municipality in order to mirror the language of a standard water district charter.

### ***Enacted law summary***

Private and Special Law 2005, chapter 15 amends the charter of the Farmington Village Corporation by giving the corporation authority to take water in the Town of Farmington and to establish rates and repeals the section of the charter that limits the situations in which the corporation may lease its property. The bill also makes the authority to establish rates retroactive to 1911, which is the date of the corporation's new charter.

**LD 1230**

**An Act To Facilitate and Promote Regional Cooperation**

**CARRIED OVER**

<u>Sponsor(s)</u> SHIELDS CLUKEY	<u>Committee Report</u>	<u>Amendments Adopted</u>
--	-------------------------	---------------------------

LD 1230 proposes to address regional cooperation issues. It makes real or personal property used for providing regional services to 2 or more municipalities exempt from property taxation. It allows municipalities to enter into cooperative arrangements for transit, solid waste, household hazardous waste, economic development and code enforcement activities and joint purchasing and clarifies that these endeavors are cooperative regional government activities. It clarifies that staff providing joint services are municipal officials. The bill proposes to grant to regional planning commissions the powers of a regional council. In addition, it requires the minutes of commission meetings to be provided on request or posted on a website, rather than mailed to every member of the planning board and all municipal officials, in order to save on printing and mailing costs.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

## *Joint Standing Committee on State and Local Government*

**LD 1243                      An Act To Make Election Day a State Holiday                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDER	ONTP	

LD 1243 proposed to establish Election Day, the Tuesday following the first Monday in November, as a state holiday and require that public schools and nonessential state offices be closed.

**LD 1246                      An Act To Amend the Laws Governing the State Planning Office                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	ONTP      MAJ	
BARTLETT	OTP-AM      MIN	

LD 1246 proposed to establish within the Executive Department, State Planning Office the Board of Code Enforcement Review. It would also fund a Planner II position within the State Planning Office.

**Committee Amendment "A" (H-438)**, which is the minority report, proposed to incorporate a fiscal note.

**LD 1252                      An Act To Lower the Cost of and Streamline the Legislative Process                      INDEFINITELY POSTPONED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J		
SAVIELLO		

LD 1252 proposed to require a minimum of 3 affirmative votes from members of the Legislative Council before a piece of legislation may be introduced in any first regular session by a Legislator or state or independent agency. This bill was indefinitely postponed on the floor without reference to Committee.

**LD 1262                      Resolve, To Establish the Commission To Study the Licensing Conflicts between the Department of Agriculture, Food and Rural Resources and the Department of Health and Human Services                      INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	
MARLEY		

LD 1262 proposed to establish the Commission to Study the Licensing Conflicts between the Department of Agriculture, Food and Rural Resources and the Department of Health and Human Services.

## ***Joint Standing Committee on State and Local Government***

**Committee Amendment "A" (S-175)** replaced the resolve and proposed to direct the Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Health and Human Services to develop a task force to study licensing conflicts between their 2 departments. The amendment would set a deadline of January 15, 2006 for the task force to report its findings and recommendations and gives the Joint Standing Committee on State and Local Government the authority to report out legislation based on those findings in the Second Regular Session of the 122nd Legislature. The costs of the study are to be absorbed by the 2 departments involved.

**LD 1315                      An Act To Permit Recording Proceedings of the Legislature                      DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	

LD 1315 proposed to authorize the Legislative Council to film legislative sessions and make the archival copies of the legislative proceedings available to the public. It also establishes a fund to be used to carry out the recording and archiving.

**Committee Amendment "A" (H-414)** proposed to authorize Internet broadcast of legislative sessions in addition to audio feed and visual recordings that are to be archived. The amendment would prohibit the use of audio and video recordings for political purposes, with a violation being a Class E crime. The Legislative Council is authorized to determine copyright and other procedures. Recordings, both archived and Internet video, will begin only if there is sufficient money raised through grants, gifts, bequests and donations and no budget appropriation is required.

**Senate Amendment "A" to Committee Amendment "A" (S-353)** proposed to allow the Legislative Council to equip the chambers of the Senate and House of Representatives with cameras and recording equipment but authorize the use within each chamber only when in conformity with the rules of that chamber. This amendment would also provide authority to the Legislative Council to equip the legislative committee hearing rooms with cameras and recording equipment.

**Senate Amendment "B" to Committee Amendment "A" (S-355)** proposed to allow the Legislative Council to equip the chambers of the Senate and House of Representatives with cameras and recording equipment but authorize the use within each chamber only when in conformity with the rules of that chamber.

**LD 1316                      An Act To Enable the Town of Livermore Falls To Withdraw from                      ONTP  
Androscoggin County and Join Franklin County**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	ONTP      MAJ OTP-AM      MIN	

LD 1316 proposed to authorize the Town of Livermore Falls to withdraw from Androscoggin County and be annexed by Franklin County.

## *Joint Standing Committee on State and Local Government*

**Committee Amendment "A" (H-201)**, which is the minority report, proposed to require that the election by Livermore Falls voters to secede from Androscoggin County be held at the November 2005 election and that the election by Franklin County voters to accept Livermore Falls into Franklin County be held at the November 2006 election. If the voters of Livermore Falls and Franklin County approve the bill as amended, it would take effect on December 1, 2006. The amendment also adds a mandate preamble.

**LD 1331**                      **Resolve, To Improve the Response Time for State Employees Seeking Job Reclassifications**                      **RESOLVE 25**

<u>Sponsor(s)</u> MITCHELL BARSTOW	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-118
--	-----------------------------------	------------------------------------

LD 1331 proposed to require the Director of Human Resources within the Department of Administrative and Financial Services to ensure that a request for a range change or job reclassification is determined within 90 days of submission of the application by an employee or group of employees to the appropriate commissioner or agency head.

**Committee Amendment "A" (S-118)** proposed to replace the bill with a resolve that directs the Department of Administrative and Financial Services, Bureau of Human Resources to instruct state agencies to expedite the review and submission process of employee-initiated reclassification requests. The Bureau of Human Resources must modify the form for reclassification requests by providing a tear-off cover sheet that includes the date the employee signed to be forwarded to the Bureau of Human Resources. The Bureau of Human Resources must maintain a log of requests initiated by employees to track the progress of the requests. Pursuant to an agreement reached by the State and the Maine State Employees Association, if an employee-initiated reclassification request is approved, interest will accrue on the 91st day after the signing of the request by the employee rather than upon the date of final decision. The amendment proposed to direct the Bureau of Human Resources to report the status and impact of the expedited reclassification request process to the Joint Standing Committee on State and Local Government by March 15, 2006.

### ***Enacted law summary***

Resolve 2005, chapter 25 directs the Department of Administrative and Financial Services, Bureau of Human Resources to instruct state agencies to expedite the review and submission process of employee-initiated reclassification requests. The Bureau of Human Resources must modify the form for reclassification requests by providing a tear-off cover sheet that includes the date the employee signed to be forwarded to the Bureau of Human Resources. The Bureau of Human Resources must maintain a log of requests initiated by employees to track the progress of the requests. Pursuant to an agreement reached by the State and the Maine State Employees Association, if an employee-initiated reclassification request is approved, interest will accrue on the 91st day after the signing of the request by the employee rather than upon the date of final decision. It directs the Bureau of Human Resources to report the status and impact of the expedited reclassification request process to the Joint Standing Committee on State and Local Government by March 15, 2006.

## *Joint Standing Committee on State and Local Government*

**LD 1354**                      **An Act To Amend the Procedure for Auditing Municipalities**                      **ONTP**

<u>Sponsor(s)</u> KAELIN WESTON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
---------------------------------------	---------------------------------	---------------------------

LD 1354 proposed to allow the State Auditor to investigate the accounting and auditing system of a municipality only if requested to do so by the governing body of that municipality.

**LD 1357**                      **RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Provide for the Popular Election of the Constitutional  
Officers and the State Auditor**                      **ONTP**

<u>Sponsor(s)</u> CLOUGH DAVIS P	<u>Committee Report</u> OTP-AM    MAJ ONTP       MIN	<u>Amendments Adopted</u>
--	--	---------------------------

LD 1357 proposed to provide for direct popular election of the State's constitutional officers and the State Auditor to 4-year terms beginning in 2006. A vacancy in the office would be filled by the Governor, subject to confirmation by the Legislature, but only until the next general election. If the next general election is not one at which the office was scheduled to be filled, then an election must be held to fill the vacancy for the balance of the regular 4-year term.

**Committee Amendment “A” (H-334)** proposed to incorporate a fiscal note.

**LD 1366**                      **An Act To Give Preference to Companies That Provide Livable  
Wages and Health Insurance to Their Employees**                      **ONTP**

<u>Sponsor(s)</u> LERMAN SCHNEIDER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
--	---------------------------------	---------------------------

LD 1366 proposed to require that companies that provide livable wages and health insurance to their employees receive preference in bidding on state contracts.



## *Joint Standing Committee on State and Local Government*

**LD 1367**

### **An Act To Penalize Companies That Fail To Comply with State Laws**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN SCHNEIDER	ONTP	

LD 1367 proposed to exclude from the state bidding, award and contract process persons who have been found to be in violation of state law or who are in consent agreement negotiations with the State.

**LD 1374**

### **An Act To Require a Surcharge on Probate Documents**

**PUBLIC 210**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER BARSTOW	OTP-AM MAJ ONTP MIN	S-103

LD 1374 proposed to impose a surcharge of \$10 per petition, application or complaint filed in the Probate Court. The money collected as a result of the surcharge must be deposited in a separate, nonlapsing account and used for the restoration, storage and preservation of the records filed in the office of the register of probate and in Probate Court.

**Committee Amendment "A" (S-103)** proposed to waive the surcharge for individuals filing petitions for name changes and give the judge of probate the authority to waive the surcharge based on hardship.

#### ***Enacted law summary***

Public Law 2005, chapter 210 imposes a surcharge of \$10 per petition, application or complaint filed in the Probate Court. The money collected as a result of the surcharge must be deposited in a separate, nonlapsing account and used for the restoration, storage and preservation of the records filed in the office of the register of probate and in Probate Court. The surcharge is waived for individuals filing petitions for name changes. The judge of probate has the authority to waive the surcharge based on hardship.

**LD 1380**

### **An Act To Protect Use of Municipal Seals**

**PUBLIC 293**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON RECTOR	OTP-AM MAJ OTP-AM MIN	S-202

LD 1380 proposed to prohibit a person from using a likeness or copy of a municipal seal without permission from the municipality. A municipality may seek injunctive relief to prevent a person from using or displaying the municipal seal. A violation of the provisions of this bill is a Class E crime.

**Committee Amendment "A" (S-202)** proposed to specify that the municipal clerk may give written permission for the use of the municipal seal.

## *Joint Standing Committee on State and Local Government*

**Committee Amendment "B" (S-203)** proposed to make the offense of using a municipal seal without permission a civil violation rather than a Class E crime. Municipal clerks may represent the municipality in court. Minimum penalties are set at \$100 and maximum penalties are set at \$500. Municipalities are entitled to collect the penalty and the costs of prosecution. It also proposed to specify that the municipal clerk gives written permission for the use of the municipal seal. This amendment was not adopted.

### *Enacted law summary*

Public Law 2005, chapter 293 prohibits a person from using a likeness or copy of a municipal seal without permission from the municipality. The municipal clerk may give written permission for the use of the municipal seal. A municipality may seek injunctive relief to prevent a person from using or displaying the municipal seal. A violation of the provisions of this bill is a Class E crime.

**LD 1414**                      **An Act To Authorize Municipalities To Create Municipal Fire Districts**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE PERRY J		

LD 1414 proposed to authorize municipalities to create municipal fire districts that may, by ordinance, charge service charges for fire protection. The bill also proposes to authorize municipalities to collect regional fire district service charges on all properties within that fire district in addition to taxes.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

**LD 1422**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Help Voters Control the Cost of Government**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MERRILL STRIMLING	ONTP      MAJ OTP-AM      MIN	

LD 1422 proposed to amend the Constitution of Maine to require a balanced budget, establish a special reserve account and place a limitation on the issuance of bonds.

**Committee Amendment "A" (H-437)**, which is the minority report of the committee, proposed to incorporate a fiscal note.

**House Amendment "A" to Senate Amendment "A" (H-680)** proposed to change the percentages, authorizing expenditures of up to 97.5% unless a sum equal to 2.5% of the projected revenues is held in the special reserve account. The amendment also requires the Legislature to place an annual minimum percentage in the account until a minimum balance accrues. It clarifies borrowing authority and the referendum question.

## *Joint Standing Committee on State and Local Government*

**Senate Amendment "A" (S-265)** proposed to remove the provision that places a limitation on the issuance of bonds.

**LD 1431**                      **An Act To Adopt the Municipal Secession and Annexation Procedure for the Town of Islesboro**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MERRILL	ONTP      MAJ	
SAVAGE	OTP-AM      MIN	

LD 1431 proposed to establish a procedure for consideration of the proposed secession of the Town of Islesboro from Waldo County and its annexation to Knox County. The bill models the procedure for the secession and annexation process on the procedure set forth in the Maine Revised Statutes, Title 30-A, chapter 113 for the proposed secession of a portion of the territory of a municipality.

**Committee Amendment "A" (H-431)**, which is the minority report of the committee, proposed to add a mandate preamble.

**LD 1452**                      **Resolve, Promoting the Consumption of Maine Farm Products at the State House**                      **RESOLVE 64**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	OTP-AM	H-340

LD 1452 proposed to require vendors that provide food in the State House complex and the Cross Cafe to use Maine-grown products whenever possible when preparing the food. It proposed to require the Department of Administrative and Financial Services and the Department of Agriculture, Food and Rural Resources to assist the vendors and the Cross Cafe in identifying and accessing Maine grown products.

**Committee Amendment "A" (H-340)** proposed to set the same standard for the Legislative Council to develop guidelines for incorporating Maine-grown products into events in the State House as is set for the Cross Cafe in the resolve. It would change the daily Maine-made feature to a weekly Maine-made feature. It would also require the Department of Administrative and Financial Services and the manager of the Cross Cafe to develop mechanisms for Maine food producers to offer and distribute their products to the cafe.

### ***Enacted law summary***

Resolve 2005, chapter 64 requires vendors that provide food in the State House complex and the Cross Cafe to use Maine-grown products whenever possible when preparing the food. It requires the Department of Administrative and Financial Services and the Department of Agriculture, Food and Rural Resources to assist the vendors and the Cross Cafe in identifying and accessing Maine grown products. The Department of Administrative and Financial Services and the manager of the Cross Cafe are required to develop mechanisms for Maine food producers to offer and distribute their products to the cafe.

## *Joint Standing Committee on State and Local Government*

**LD 1458**

**Resolve, Regarding the Conveyance of a Right-of-way across the Elizabeth Levinson Center in Bangor**

**RESOLVE 32**

Sponsor(s)  
SCHNEIDER  
BARSTOW

Committee Report  
OTP-AM

Amendments Adopted  
S-127

LD 1458 proposed to authorize and direct the Commissioner of Administrative and Financial Services to convey an easement across the Elizabeth Levinson Center in Bangor to Leo J. Davis if certain conditions are met.

**Committee Amendment "A" (S-127)** proposed to require the Commissioner of Administrative and Financial Services to have an opinion of value prepared by an independent appraiser to determine the current market value of the easement. The commissioner shall transfer the easement upon such terms and conditions as are in the best interests of the State. Any proceeds from the transfer of the easement must be given to the Elizabeth Levinson Center.

### *Enacted law summary*

Resolve 2005, chapter 32 authorizes and directs the Commissioner of Administrative and Financial Services to convey an easement across the Elizabeth Levinson Center in Bangor to Leo J. Davis. It requires the Commissioner of Administrative and Financial Services to have an opinion of value prepared by an independent appraiser to determine the current market value of the easement. The commissioner shall transfer the easement upon such terms and conditions as are in the best interests of the State. Any proceeds from the transfer of the easement must be given to the Elizabeth Levinson Center.

**LD 1459**

**An Act Concerning Payment for Repairs on Private Ways**

**ONTP**

Sponsor(s)  
HUTTON  
SCHNEIDER

Committee Report  
ONTP

Amendments Adopted

LD 1459 proposed to ensure that individuals who do not have primary residences or who live on a parcel of land for less than 6 months a year will be assessed a 1/2 share of the amount assessed against a full-time resident for repairs to private ways.

**LD 1478**

**An Act To Clarify Rights of Retainage in Public Improvement Construction Contracts**

**ONTP**

Sponsor(s)  
MILLS P

Committee Report  
ONTP MAJ  
OTP-AM MIN

Amendments Adopted

LD 1478 proposed to provide that in any contract awarded for a public improvement the owner of the public improvement may retain 5% of the money due the contractor until substantial completion of the work. At

## *Joint Standing Committee on State and Local Government*

substantial completion, the owner and the contractor shall inspect the work and prepare a punch list. The owner may thereafter withhold for defective or incomplete work only those funds that are sufficient to account for 1.5 times the value of punch list work. As punch list work is completed, the retainage held by the owner must be correspondingly reduced. Current law provides that the State shall withhold 5% of the money due the contractor until the project under the contract has been accepted by or for the State, except that when the contract has been substantially completed the State may, upon request, further reduce the amounts withheld if it deems it desirable and prudent.

**Committee Amendment "A" (S-300)**, which is the minority report of the committee, proposed to add an appropriations and allocations section.

### **LD 1481                      An Act To Amend the Laws Governing the Enactment Procedures    CARRIED OVER for Ordinances**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY KOFFMAN		

LD 1481 proposes to establish the procedures for ordinances enacted by citizen's initiative and the procedure for people's veto of ordinances enacted by a municipality. This bill was recommitted to the Joint Standing Committee on State and Local Government after initially reporting it out with the following committee amendments.

**Committee Amendment "A" (S-242)** replaces the bill and proposed to prohibit the application of a new local ordinance enacted by direct initiative to construction or projects for which permits or approvals have been granted.

**Committee Amendment "B" (S-243)**, which is the minority report, replaces the bill and proposed to prohibit the application of a new local ordinance to construction projects for which a permit or municipal approval has been granted and finally decided.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

### **LD 1491                      An Act Requiring a Municipality To Provide Proof of Ownership                      ONTP before Selling Acquired Property**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON MARTIN	ONTP	

LD 1491 proposed to require a municipality to provide proof of ownership of acquired property before the municipality can sell the property. It would also require the municipality to pay all costs to the injured party if the municipality misrepresented ownership of the property.

## *Joint Standing Committee on State and Local Government*

**LD 1493**

**Resolve, Directing the Secretary of State To Request That the United States Secretary of Transportation Place Maine in the Atlantic Standard Time Zone**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	OTP-AM MAJ ONTP MIN	

LD 1493 proposed to direct the Secretary of State to request that the United States Secretary of Transportation place Maine in the Atlantic Standard Time zone after approval by the voters at referendum.

**Committee Amendment "A" (H-534)** proposed to clarify that if Maine moves to Atlantic Standard Time there would be no recognition of daylight saving time and amends the referendum question to reflect this. The referendum would be held at the same time as the November election in 2006. The amendment proposed that the referendum may go ahead only if the costs are raised privately.

**LD 1498**

**Resolve, To Establish the Committee To Study the Establishment of a Memorial for Emergency Medical Services Personnel and To Set Aside Space for That Memorial**

**RESOLVE 124**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER MCKENNEY	OTP-AM	H-709 DUPLESSIE S-222

LD 1498 proposed to establish the Committee to Study the Establishment of a Memorial for Emergency Medical Services Personnel. The committee is directed to study issues and make recommendations regarding the establishment of a memorial to honor emergency medical services personnel who have fallen in the line of duty and others who have made significant contributions to the development of the statewide Maine emergency medical services system. The resolve also proposed to direct that space be set aside for the Maine Emergency Medical Services Memorial in the area of the State House grounds adjacent to the memorials to firefighters and law enforcement personnel.

**Committee Amendment "A" (S-222)** proposed to require the Committee to Study the Establishment of a Memorial for Emergency Medical Services Personnel to coordinate with the Capitol Planning Commission rather than the Legislative Council. The Department of Administrative and Financial Services, Bureau of General Services is to provide staff assistance rather than the Office of Policy and Legal Analysis. The amendment requires the committee, if outside funding is received, to hold up to 4 meetings, one of which must be a public hearing. The committee must submit its initial report to the Capitol Planning Commission by January 2, 2006 and the final report by March 1, 2006. The Capitol Planning Commission must submit its initial report to the Committee on State and Local Government by January 15, 2006 and its final report by March 15, 2006.

**House Amendment "A" to Committee Amendment "A" (H-709)** proposed to bring the resolve into conformity with the Joint Rules and Standards for Legislative Studies adopted by the Legislative Council.

### *Enacted law summary*

## *Joint Standing Committee on State and Local Government*

Resolve 2005, chapter 124 establishes the Committee to Study the Establishment of a Memorial for Emergency Medical Services Personnel. The resolve directs the committee to study issues and make recommendations regarding the establishment of a memorial to honor emergency medical services personnel who have fallen in the line of duty and others who have made significant contributions to the development of the statewide Maine emergency medical services system. The committee must submit its initial report to the Capitol Planning Commission by January 2, 2006 and the final report by March 1, 2006. The Capitol Planning Commission must submit its initial report to the Committee on State and Local Government by January 15, 2006 and its final report by March 15, 2006. If a suitable location for the emergency medical services memorial cannot be located within the memorial park, the memorial must be located in the area of the State House grounds adjacent to the memorials to firefighters and law enforcement personnel.

### **LD 1536                      An Act To Reduce Property Taxes by Reforming County Government**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MERRILL	ONTP	

LD 1536 proposed to establish 8 county districts. It would empower the commissioners of a county district to impose an additional real estate transfer tax on the transfer of property contained in that county district; the first \$200,000 of the sales price would be exempt from the new tax. The revenue from the additional real estate transfer tax must be used to pay for police and record-keeping services for the county district.

The bill also proposed to allow a county district to transfer responsibility for every county jail located in that county district to the State by voting to pay an extra penny per dollar on the sales and use tax for sales in that county district. The revenue from the additional sales and use tax must be used to defray the costs of the Department of Corrections.

The bill also proposed to provide an appropriation of \$1,000,000, spread out over as many as 5 years, to a district county that comprises more than one county that combines the police and record-keeping services of the counties located in that county district.

The 8 county districts created by the bill are: county district 1, York County; county district 2, Cumberland County; county district 3, Androscoggin County, Oxford County and Franklin County; county district 4, Somerset County and Kennebec County; county district 5, Penobscot County and Piscataquis County; county district 6, Sagadahoc County, Lincoln County, Knox County and Waldo County; county district 7, Hancock County and Washington County; and county district 8, Aroostook County.

### **LD 1537                      An Act To Repeal Certain Boards and Commissions**

**PUBLIC 294**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-378 H-469 BARSTOW

LD 1537 proposed to repeal the following boards and commissions that failed to file an annual report of activities with the Secretary of State for 2003 or 2004 or filed annual reports with the Secretary of State indicating inactivity in the preceding 24 months: Commission on Performance Budgeting; Consumer Health Care Division

## *Joint Standing Committee on State and Local Government*

Advisory Council; Council on Children and Families; Maine-Canadian Legislative Advisory Commission; Maine-New Hampshire Interstate Bridge Authority; Maine Potato Quality Control Board; Maine Regulatory Fairness Board; Massage Practitioners Advisory Council; Multistate Tax Compact; New England and Eastern Canada Legislative Commission; Nutrient Management Review Council; Participating Local District Advisory Committee, State Retirement Program; Petroleum Advisory Committee; Skill Standards Board; State Compensation Commission; State Conservation District Advisory Council. It also proposed to correct statutory references to implement the name change of the Maine Small Business Commission to the Maine Small Business and Entrepreneurship Commission.

**Committee Amendment "A" (H-378)** proposed to remove the following boards and commissions from the repeal list: State Compensation Commission; Maine-Canadian Legislative Advisory Commission; New England and Eastern Canada Legislative Commission; Commission on Performance Budgeting; Nutrient Management Review Board; Potato Marketing Improvement Committee; Natural Areas Advisory Board; Policy Review Council; State Conservation District Advisory Council; Participating Local District Advisory Committee, State Retirement Program; and the Maine-New Hampshire Interstate Bridge Authority. The amendment adds a section that removes obsolete language that refers to the Maine Revised Statutes, Title 19 that no longer exists. It also proposed to repeal the Multistate Tax Compact Advisory Committee, rather than the entire Multistate Tax Compact chapter in Title 36.

**House Amendment "A" (H-469)** proposed to remove the Prescription Drug Advisory Commission from the list of boards and commissions to be repealed.

### *Enacted law summary*

Public Law 2005, chapter 294 repeals the following boards and commissions that failed to file an annual report of activities with the Secretary of State for 2003 or 2004 or that filed annual reports with the Secretary of State indicating inactivity in the preceding 24 months: Consumer Health Care Division Advisory Council; Council on Children and Families; Maine Potato Quality Control Board; Maine Regulatory Fairness Board; Massage Practitioners Advisory Council; Multistate Tax Compact Advisory Committee; Petroleum Advisory Committee; and Skill Standards Board.

**LD 1624**

**An Act To Require State-owned and State-leased Property To Be Cleaned with Products That Are Not Harmful to the Environment or People**

**ONTP**

Sponsor(s)  
PERRY J

Committee Report  
ONTP

Amendments Adopted

LD 1624 proposed to require that the Department of Administrative and Financial Services adopt rules to provide for the use of only environmentally friendly and nontoxic cleaning products to clean all state-owned and state-leased properties by no later than July 1, 2010.



## *Joint Standing Committee on State and Local Government*

**LD 1626**

**Resolve, Regarding the Town of Cooper**

**RESOLVE 78**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE MCFADDEN	OTP-AM	S-196

LD 1626 proposed to provide for the deorganization of the Town of Cooper in Washington County, subject to approval at local referendum.

**Committee Amendment "A" (S-196)** replaced the bill and proposed to direct the Department of Transportation, the Town of Cooper and surrounding communities to develop a plan for the winter maintenance of Route 191, including the section of Route 191 that the Town of Cooper is currently responsible for. The plan must include fiscal and planning support. The Executive Department, State Planning Office and the Town of Cooper are directed to develop cooperative efforts with adjacent towns to share town services to address municipal officer position vacancy issues. The Department of Transportation, the State Planning Office and the Town of Cooper must report their recommendations to the Joint Standing Committee on State and Local Government by January 15, 2006. The Joint Standing Committee on State and Local Government is authorized to report out legislation implementing the recommendations, including allowing the Town of Cooper to continue its deorganization process. The amendment adds a mandate preamble.

### ***Enacted law summary***

Resolve 2005, chapter 78 directs the Department of Transportation, the Town of Cooper and surrounding communities to develop a plan for the winter maintenance of Route 191, including the section of Route 191 that the Town of Cooper is currently responsible for. The plan must include fiscal and planning support. It directs the Executive Department, State Planning Office and the Town of Cooper to develop cooperative efforts with adjacent towns to share town services to address municipal officer position vacancy issues. The Department of Transportation, the State Planning Office and the Town of Cooper must report their recommendations to the Joint Standing Committee on State and Local Government by January 15, 2006. The Joint Standing Committee on State and Local Government is authorized to report out legislation implementing these recommendations, including allowing the Town of Cooper to continue its deorganization process.

**LD 1637**

**An Act To Implement the Fund for the Efficient Delivery of Local and Regional Services**

**PUBLIC 266**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW SAVAGE	OTP-AM	H-432

LD 1637 proposed to provide for the administration and use of the Fund for the Efficient Delivery of Local and Regional Services. The fund is used to provide cooperative services and planning grants to fund projects that achieve significant and sustainable savings in the cost of delivery of services and that reduce the demand for property tax revenues through collaborative approaches to service delivery, enhanced regional delivery systems, consolidated administrative services, broad-based purchasing alliances and interlocal agreements.

## *Joint Standing Committee on State and Local Government*

**Committee Amendment "A" (H-432)** proposed to add to the criteria for evaluating and ranking applications for a cooperative services grant, the chance of success of the project and the ability to replicate the efficiency achieved by the project in other regions. The amendment proposed to replace the State Tax Assessor with a representative from the Department of Economic and Community Development. The selection of municipal and county panel members is amended so that the representative of county or regional government is recommended by a statewide organization representing county or regional service providers, the 2 municipal representatives from rural communities and larger communities are recommended by the Maine Municipal Association and the service center community representative is recommended by the Maine Service Centers Coalition. All recommendations are subject to approval by the Governor. The Department of Administrative and Financial Services would consult with the review panel prior to issuing the request for proposals and must provide the annual report to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

### ***Enacted law summary***

Public Law 2005, chapter 266 provides for the administration and use of the Fund for the Efficient Delivery of Local and Regional Services. The fund is used to provide cooperative services and planning grants to fund projects that achieve significant and sustainable savings in the cost of delivery of services and that reduce the demand for property tax revenues through collaborative approaches to service delivery. The Department of Administrative and Financial Services is required to consult with the review panel prior to issuing the request for proposals and must provide the annual report to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

**LD 1666                      An Act To Allow Counties a One-year Exemption For Jail Costs                      DIED BETWEEN  
from the Limitation on County Assessments                      HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM      MAJ	
	ONTP        MIN	

LD 1666 proposed to exempt county jail costs from the county assessment for fiscal year 2006 except for those of Lincoln and Sagadahoc counties. The Joint Standing Committee on State and Local Government is authorized to report out legislation by March 1, 2006 that establishes a new jail funding formula.

**Committee Amendment "A" (H-535)** proposed to exempt the specific county jail costs of medical treatment for inmates and costs for boarding prisoners in jails outside the county from the county assessment rather than all the costs of the jails.

**House Amendment "A" to Committee Amendment "A" (H-574)** proposed to exempt from the county assessment limit the specific county jail costs of medical costs for inmates and costs for boarding prisoners in jails outside the county for fiscal year 2005-06 in Sagadahoc County and fiscal year 2006-07 in all other counties. This amendment proposed that those costs must be considered as expenses of the State when calculating the State's General Fund appropriation limitation, even though those costs are not considered when setting the county assessment limit.

**House Amendment "B" to Committee Amendment "A" (H-617)** proposed to provide that, for fiscal year 2005-06 in Sagadahoc County and fiscal year 2006 in all other counties, that portion of the county assessment that is necessary to fund jail costs for medical treatment of inmates and boarding prisoners in jails outside the county is limited to an increase over the prior fiscal year's expenditures for these items equal to the average annual

## *Joint Standing Committee on State and Local Government*

percentage increase in expenditures for these items in that county in the previous 3 years. The amendment would require county officials responsible for administering county jails to use available services provided by the Department of Corrections to minimize the costs of operating county jails and adds an emergency preamble and an emergency clause.

**LD 1667**                      **An Act To Allow Lincoln and Sagadahoc Counties an Exemption  
from the Limitation on County Assessments**                      **PUBLIC 348  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-537

LD 1667 proposed to exempt Lincoln and Sagadahoc counties from including the construction, transitional staffing and operational costs of the new jail administered by the Lincoln and Sagadahoc Multicounty Jail Authority in the county tax assessment for a period of 2 years and from having to go through the approval process usually used to exceed the county assessment.

**Committee Amendment "A" (H-537)** proposed to clarify that Lincoln and Sagadahoc counties are exempt from the limitation on exceeding county assessments for 2 years for that portion of the counties' budgets attributable to construction, debt service, operation and maintenance costs of the new jail of the Lincoln and Sagadahoc Multicounty Jail Authority. After the 2-year period of exemption, the assessment limits return to the preceding year's assessment, multiplied by one plus the growth limitation factor.

### ***Enacted law summary***

Public Law 2005, chapter 348 exempts Lincoln and Sagadahoc counties from including the construction, debt service, operation and maintenance costs of the new jail administered by the Lincoln and Sagadahoc Multicounty Jail Authority in the county tax assessment for a period of 2 years and from having to go through the approval process usually used to exceed the county assessment.

Public Law 2005, chapter 348 was enacted as an emergency measure effective June 8, 2005.

**LD 1676**                      **Resolve, Authorizing the President of the Maine Community  
College System To Sell 1.37 Acres of Real Property Owned by  
Southern Maine Community College in South Portland**                      **RESOLVE 59**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BROMLEY		

LD 1676 proposed to authorize the President of the Maine Community College System to sell a 1.37-acre, more or less, parcel of unimproved land owned by Southern Maine Community College in South Portland, provided that the proceeds of the sale are used to purchase land adjacent to the Southern Maine Community College campus for parking or other purposes of the college. This bill was Finally Passed on the floor without reference to Committee.

## *Joint Standing Committee on State and Local Government*

### Enacted Law Summary:

Resolve 2005, chapter 59 authorizes the President of the Maine Community College System to sell a 1.37-acre, more or less, parcel of unimproved land owned by Southern Maine Community College in South Portland, provided that the proceeds of the sale are used to purchase land adjacent to the Southern Maine Community College campus for parking or other purposes of the college.

<b>LD 1681</b>	<b>Resolve, Extending the Authority of the Commissioner of Administrative and Financial Services To Convey the Former Maine State Prison Property in Thomaston and the Kennebec Arsenal Property in Augusta for an Additional Five Years</b>	<b>RESOLVE 98 EMERGENCY</b>
----------------	--	---------------------------------

<u>Sponsor(s)</u> LERMAN MITCHELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-568
---	-----------------------------------	------------------------------------

LD 1681 proposed to authorize the conveyance of a portion of the Kennebec Arsenal property in Augusta and the former Maine State Prison property in Thomaston. The authority granted by Resolve 1999, chapters 56 and 114 is scheduled to expire on June 9, 2005 and August 11, 2005, respectively. It proposed to delay the expiration of those resolves by 5 years.

**Committee Amendment "A" (H-568)** proposed to incorporate a fiscal note.

### *Enacted law summary*

Resolve 2005, chapter 98 authorizes the conveyance of a portion of the Kennebec Arsenal property in Augusta and the former Maine State Prison property in Thomaston. The authority granted by Resolve 1999, chapters 56 and 114 is scheduled to expire on June 9, 2005 and August 11, 2005, respectively. It delays the expiration of those resolves by 5 years.

Resolve 2005, chapter 98 was finally passed as an emergency measure effective June 7, 2005.